

December 19, 2007

Hon. Gerard E. Lynch  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 910  
New York, NY 10007

**Re: *USA v. Peter Castellaneta and Queens Long  
Island Medical Group, P.C.***  
**07 Civ. 7694**

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Dear Judge Lynch:

As per the Court's recent decision (November 19, 2007, Document Number 8), the December 10<sup>th</sup> deadline set by the Court for the filing of state attachment proceedings has passed with no action taken by either party. Under CPLR Section 6223(b), it is the plaintiff's burden to establish "the grounds for the attachment, the need for continuing the levy and the probability that he will succeed on the merits." The plaintiff, QLIMG, has not done so. Petitioner Castellaneta did not make a motion in state court because, as stated, it is the plaintiff's burden to justify a continued attachment. Through its lack of action, QLIMG may in fact be implicitly acknowledging this, as well.

Since QLIMG has not attempted to meet its burden of justifying a continued *de facto* attachment in the pending state court action, Petitioner Castellaneta respectfully requests that this Court vacate its stay and reopen the question of the appropriateness of this federal interpleader action.

Thank you for your consideration.

Sincerely yours,

KARASYK & MOSCHELLA, LLP

Peter E. Brill

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